IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1845 OF 2006

Mohd. Shahabuddin Khan..... ... Petitioner.

Versus

The State of Maharashtra & Anr..... Respondents.

Mrs. A. P. Madhuri for the Petitioner.

Mr. R. D. Rane, Addl.G.P.for the Respondents.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 17TH MARCH, 2006.

P.C.:

By this petition, the petitioner has impugned the action of the respondent R.T.O. of impounding and seizing the vehicle bearing Registration No. MH-04-H-8810 belonging to the petitioner as it violated the requirement of R.T.O. which do not permit plying of vehicle which are more than eight years old of the manufacture. In similar circumstances, this Court was moved in Writ Petition No. 6086 of 2005 wherein taking into consideration peculiar circumstances in which the vehicles are prohibited from being plying within limits of Greater

Mumbai, this Court directed the disposal of petition in following terms.

> "2. In these circumstances, this petition is disposed of by directing the petitioner to deposit with the Chief Minister's Relief Fund an amount of Rs.20,000/-. The petitioner shall deposit this amount with the 2nd respondent who shall, in turn, forward the amount to the Chief Minister's Relief Fund. The petitioner shall file an undertaking before the 2nd respondent that the vehicle shall not, hereafter, be plied within the municipal limits of Greater Mumbai. The 2nd respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the municipal limits of Greater Mumbai so as to enable the petitioner to take the vehicle outside the municipal limits."

2. In our opinion, this petition can also be disposed of by accepting the request of the petitioner for depositing in Chief Minister's Relief Fund an amount of Rs.20,000/- and on such deposit the petitioner will

also file an undertaking before respondent No.2 that hereafter the vehicle shall not ply within the municipal limits of Greater Mumbai. Respondent No.2 is directed to seek compliance of the order and release the vehicle only for one way journey out of municipal limits of Greater Mumbai. The petition is, accordingly, disposed of.

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